

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमाबलीतील नियम ५८ मध्ये
मंजूर करावदाच्या फेरवडलाची अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांक: टिडीबी-४३०१/२१७४/प्र.क्र. २२७/०१/नवि-११
मंत्रालय, मुंबई: ४०० ०३२, दिनांक: १४ जून, २००६

शासन निर्णयः- सोबत जोडलेली अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिद्ध करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आवेशानुसार व नांवाने,

W. M. G. M. A. J. B.
(सुथाकर नांगनुरे)
उप सचिव, महाराष्ट्र शासन.

प्रति,

त्याक्त, बृहन्मुंबई नगरपालिका, मुंबई.
बृहन्मुंबई अभियंता (वित्त.), बृहन्मुंबई महानगरपालिका, मुंबई.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
व्यावस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्याना विनंती करण्यात घेते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-२ मध्ये प्रसिद्ध करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती या विभागास व उप संचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(त्याना विनंती करण्यात घेते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी)

निवडनस्ती (नवि-११).

सेवक, ३७ फाईल.

**Maharashtra Regional and
Town Planning Act, 1966.**

**Sanction to the modification under
section 37(2) of the
Modification to Regulation 58 of DCR
Mumbai 1991**

GOVERNMENT OF MAHARASHTRA

Urban Development Department,
Mantralaya, Mumbai 400 032.

Dated 14th June, 2006.

NOTIFICATION

No. TPB 432001/2174/CR-227/01/UD-11.

The Government in Urban Development Department has sanctioned the Development Control Regulations for Greater Mumbai, 1991 vide notification No. DCR/1090/UD-11 (RDP) dated 20/2/1991, to come into force with effect from 25/3/1991 (hereinafter referred to as "the said Regulations"), under section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act").

Regulation 58 of the said Regulations deals with the development or redevelopment of lands of cotton textile mills. In Appeal No. 352/2001 in Writ Petition No. 339/2001 in the Hon'ble High Court, the issue of scope and applicability of Regulations 58 came up for consideration. The Government submitted to the Hon'ble High Court that Regulation 58 covers the development or redevelopment of all lands in Gr. Mumbai owned or held by all cotton textile mills, irrespective of the operational or other status of the said mills or of any other factor, circumstance or consideration whatsoever. It was observed by the Hon'ble High Court that the existing provisions of Regulation 58 are not clear enough in this regard. Thereupon, the Advocate General, on behalf of Government, made a statement in the Hon'ble High Court that Government had decided to take appropriate steps to clarify or, if necessary, modify Regulation 58 appropriately and, till such time as the clarification/modification is made effective, a suitable direction under section 154 of the said act would be issued by Government.

Accordingly, Government vide order No. TPB 432001/2174/CR-227/2001/UD-11, dated 3rd December, 2001 has issued directions under section 154 of the said Act, barring the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") from sanctioning proposals for development/redevelopment of lands of cotton textile mills, under any regulation other than Regulation 58.

In view of the facts and circumstances mentioned above and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government issued a notice on 8th January 2002 for inviting objections and suggestions from any person with respect of the modification proposed to be carried out to Regulation 58 of the said Regulations as described in the schedule appended hereto (hereinafter referred to as "the said modification").

The said notice was published in the Maharashtra Government Gazette (Extra Ordinary) dated 14th January, 2002 and the daily news papers "Tarun Bharat" (Marathi) dated 15/1/2002 and Free Press Journal (English) dated 16/1/2002.

Further Govt. appointed Dy. Director of Town Planning, Gr. Mumbai as an officer under section 162 of the said Act, (hereinafter referred to as "the said officer") for submitting the report to the Govt. after scrutinizing the suggestions/objections and say of the said Corporation and after granting hearing to the concerned persons, including the said Corporation.

The said officer after giving hearing to the concerned persons including the said Corporation submitted his report to the Govt. vide letter No. DDTP/Gr.Mumbai/ MR&TP Act/Section 37(1AA)/DCR 58/481-82 dated 3/5/02.

After completing the procedure as laid down under section 37(1)(AA) of the said Act and after granting hearing to the concerned persons and the representative of said Corporation, the said officer has submitted his report to Government on 3rd May, 2002.

After examining the report of the said Officer, and say of the said Corporation and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government finds it necessary to sanction the said modification with some changes. Accordingly, in exercise of the powers conferred by sub section 2 of section 37 of the said Act, the Government hereby:-

- a) sanctions the said modification more specifically described in Schedule attached herewith.
- b) fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of the said modification.
- c) directs the said Corporation that, in the Schedule of Modifications appended to the aforesaid Government notification sanctioning the said Regulations, after the last entry, the above (a) shall be added.

SCHEDULE MODIFICATION TO REGULATION 58

A) **Modifications to sub-regulation No. (1)** .- (A-1) In sub-regulation (1), the words "of the premises", appearing after the words "entire open land and built up area", are deleted.

B) **Addition in Regulation (58)**.- (E-1) After the existing sub-regulation (9), a new sub-regulation No. (10) is added as follows:-
"(10) Notwithstanding anything stated or omitted to be stated in these Regulations, the development or redevelopment of all lands in Gr. Mumbai owned or held by all cotton textile mills, irrespective of the operational or other status of the said mills or of the land use zoning relating to the said lands or of the actual use for the time being of the said lands or of any other factor, circumstance or consideration whatsoever, shall be regulated by the provisions of this regulation and not under any other Regulation".

By order and in the name of the Governor of Maharashtra,

(Sudhakar Nangnure)
Deputy Secretary to Government.

Note:- This notification is also published on government web site at www.urban.maharashtra.gov.in